

ORDINANCE NO. G-05-09-22-13C2

AN ORDINANCE AMENDING CHAPTERS 3, 8 AND 11, SECTIONS 8.106, 8.201, 8.202, 8.206 AND ADDING SECTIONS 3.113, 8.114.1, 11.114 CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO PROVIDE REQUIREMENTS FOR THE FILING OF APPLICATIONS; TO PROVIDE FOR THE EXPIRATION OF APPLICATIONS FILED; TO ADD THE DEFINITION OF "SUBDIVISION DEVELOPMENT PERMIT;" TO ESTABLISH REQUIREMENTS FOR A SUBDIVISION DEVELOPMENT PERMIT; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

Chapter 3, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to add Section 3.113 to read as follows:

3.113 FILING OF APPLICATIONS

For all applications filed under this Chapter, the following shall apply:

(1) Application Filed

Pursuant to Texas Local Government Code, Chapter 245, as amended, the rights to which an applicant is entitled shall accrue on the filing of an application that gives the City fair notice of the project and the nature of the permit sought. An application is considered filed on the date the applicant mails by certified mail or delivers the application to the following address:

City of Round Rock
Engineering & Development Services Department
Attn: Chief Building Official
2008 Enterprise Drive
Round Rock, TX 78664

(2) Expiration of Application

An application shall expire forty-five (45) days after the date the application is filed if:

- (a) the applicant fails to provide the documents or other information necessary to comply with the City's technical requirements relating to the form and content of the application;

- (b) the City provides the applicant no later than ten (10) business days after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and
- (c) the applicant fails to provide the specified documents or other information within the aforesaid forty-five (45) day period.

II.

Chapter 8, Section 8.106, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to add the definition of "Subdivision Development Permit" to read as follows:

8.106 DEFINITIONS

- (68.1) Subdivision Development Permit shall mean a permit issued by the Planning Director, after the recording of a Final Plat, authorizing a Developer to proceed with the next step in the development process of the lot(s) within the recorded Final Plat, as set forth in Section 8.206(6).

III.

Chapter 8, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to add Section 8.114.1 to read as follows:

8.114.1 FILING OF APPLICATIONS

For all applications filed under this Chapter, the following shall apply:

- (1) Application Filed

Pursuant to Texas Local Government Code, Chapter 245, as amended, the rights to which an applicant is entitled shall accrue on the filing of an application that gives the City fair notice of the project and the nature of the permit sought. An application is considered filed on the date the applicant mails by certified mail or delivers the application to the following address:

City of Round Rock
Department of Planning and Community Development
Attn: Planning Director
301 West Bagdad, Suite 210
Round Rock, TX 78664

(2) Expiration of Application

An application shall expire forty-five (45) days after the date the application is filed if:

- (a) the applicant fails to provide the documents or other information necessary to comply with the City's technical requirements relating to the form and content of the application;
- (b) the City provides the applicant no later than ten (10) business days after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and
- (c) the applicant fails to provide the specified documents or other information within the aforesaid forty-five (45) day period.

IV.

Chapter 8, Section 8.201, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

8.201 APPLICATION PROCEDURE

An application for approval of a Concept Plan or a Plat shall be filed with the Planning Director by the Developer and in accordance with the Official Filing Date schedule. An application for approval of a Final Plat, Minor Subdivision Final Plat or Replat not submitted in accordance with the Official Filing Date schedule may be subject to disapproval.

V.

Chapter 8, Section 8.202, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

8.202 REVIEW FOR APPLICATION COMPLETENESS

The Planning Director shall determine if the application for approval of a Concept Plan or a Plat meets all of the content requirements of this Chapter. An incomplete application will be returned to the Developer within ten (10) working days following the date of filing. The Planning Director shall notify the Developer in writing of the noted deficiencies. Upon correction of the deficiencies, the application may be resubmitted on a subsequent Official Filing Date.

VI.

Chapter 8, Section 8.206, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to add subsection (6) to read as follows:

8.206 FINAL PLAT

(6) Subdivision Development Permit

- (a) Pursuant to Texas Local Government Code, Chapter 245, as amended, a Subdivision Development Permit shall be issued by the Planning Director after the recording of the Final Plat. For the purposes of this subsection, the development of each lot shall constitute a separate project. The Subdivision Development Permit authorizes the Developer to proceed with the next step in the development process of the lot(s) within the recorded Final Plat as follows:
 - (i) For lots zoned single-family residential, the next step in the development process is an application for a building permit; or
 - (ii) For lots zoned for uses other than single-family residential, the next step in the development process is an application for site plan approval.
- (b) The Subdivision Development Permit shall expire two (2) years from the date the Final Plat is recorded. Pursuant to Texas Local Government Code, Chapter 245, as amended, upon the expiration of the Subdivision Development Permit, the development project for each undeveloped lot contained within the recorded Final Plat shall be considered dormant.
- (c) After a development project has become dormant, the Developer of the dormant development project whose Subdivision Development Permit has expired may proceed with said development project provided the Developer makes an application for a building permit or site plan approval, as appropriate, but such application shall be governed by the ordinances and regulations in effect at the time of said application.

VII.

Chapter 11, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to add Section 11.114 to read as follows:

8.114.1 FILING OF APPLICATIONS

For all applications filed under this Chapter, the following shall apply:

(1) Application Filed

Pursuant to Texas Local Government Code, Chapter 245, as amended, the rights to which an applicant is entitled shall accrue on the filing of an application that gives the City fair notice of the project and the nature of the permit sought. An application is considered filed on the date the applicant mails by certified mail or delivers the application to the following address:

City of Round Rock
Department of Planning and Community Development
Attn: Planning Director
301 West Bagdad, Suite 210
Round Rock, TX 78664

(2) Expiration of Application

An application shall expire forty-five (45) days after the date the application is filed if:

- (a) the applicant fails to provide the documents or other information necessary to comply with the City's technical requirements relating to the form and content of the application;
- (b) the City provides the applicant no later than ten (10) business days after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and
- (c) the applicant fails to provide the specified documents or other information within the aforesaid forty-five (45) day period.

VIII.

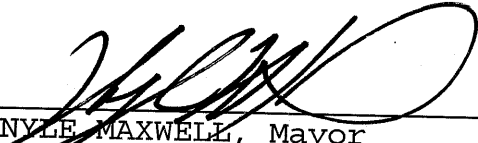
A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ and APPROVED on first reading this the ____ day of _____, 2005.

READ, APPROVED and ADOPTED on ^{first} ~~second~~ reading this the 22nd
day of September, 2005.



NYLE MAXWELL, Mayor
City of Round Rock, Texas

ATTEST:

Christine R. Martinez
CHRISTINE R. MARTINEZ, City Secretary

DATE: September 16, 2005

SUBJECT: City Council Meeting – September 22, 2005

ITEM: 13.C.2. Consider an ordinance amending Chapters 3, 8 and 11 of the Round Rock Code of Ordinances (1995 Edition) to provide requirements for the filing and expiration of development permits. (First Reading)

Department: Legal Department
Staff Person: Steve Sheets, City Attorney

Justification:

In 1999, the 76th Texas Legislature enacted H.B. 1704, which was codified as Chapter 245, Local Government Code, which states that the right to develop a project under existing regulations vests at the time the landowner files the first permit application. This year, the 79th Texas Legislature enacted S.B. 848 which specifically defines and determines what "filed" means as it relates to the City applications for land development permits. By amending Chapters 3, 8 and 11, the City will provide the process by which regulations vest when an application is filed and provide for the expiration of filed applications as permitted under the recently enacted legislation.

Funding:

Cost: N/A
Source of funds: N/A

Outside Resources: N/A

Background Information: N/A

Public Comment: N/A